

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

STEPHEN YOCHIM

Year of Birth: 1972

Case No. 21 MJ 65

Defendant(s)

FILED

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 11, 2021 in the county of Bernalillo in the
 District of New Mexico, the defendant(s) violated:

Code Section

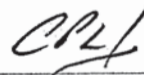
18 U.S.C. § 875(c)

Offense Description

Threatening Interstate Communications

This criminal complaint is based on these facts:

Please see attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Aaron P. Carp, Special Agent

Printed name and title

Sworn to before me by telephone or other reliable electronic means.

Date: 01/18/2021City and state: Albuquerque, New Mexico

Judge's signature

Laura Fashing, Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

United States of America,

Plaintiff,

v.

STEPHEN YOCHIM,

Defendant.

Case No. _____

AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Aaron Carp, having been duly sworn, do hereby depose and say:

INTRODUCTION

1. I am a Special Agent (SA) with the United States Department of Justice, Federal Bureau of Investigation (FBI), and have been employed in that capacity for over 14 years. I am currently assigned to the Guardian and Threat Response Squad within the Albuquerque Field Office. My responsibilities include investigating threats to life and other matters that require immediate attention, such as kidnappings, online threats, and crimes involving children. I also have investigative responsibility for crimes involving interstate communications. Previously, I was assigned investigative matters related to Indian Country and other violent crimes. Based upon my training and experience, I am familiar with the types of criminal activity perpetrated by criminals, to include acts of violence. Given my training and experience investigating various criminal violations, I know that criminals often use electronic devices to plan, prepare, disguise, and communicate about their criminal activities, and often have their phones with them

during a crime. I have further gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, state, tribal, and federal law enforcement agencies. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

2. This affidavit is based upon my personal knowledge, and upon information reported to me by other law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. Throughout this affidavit, reference will be made to law enforcement officers. The law enforcement officers are those who have directly participated in this investigation, and with whom your affiant has had contact regarding this investigation. This affidavit is also based upon information gained from interviews with cooperating victims and witnesses, whose reliability is established separately herein.

3. Based on my training, experience, and the facts as set forth in this affidavit, I believe there is probable cause that violations of United States Code Title 18 § 875(c) – Interstate Communications – were committed when Stephen Yochim did transmit, in interstate or foreign commerce, communications containing threats to injure a person of another.

4. Because this affidavit is submitted for the limited purpose of securing authorization for a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested complaint and warrant.

RELEVANT STATUTES

5. This investigation concerns alleged violations of certain activities relating to threatening Interstate Communications, as outlined in Title 18 U.S.C. § 875(c):

a. Title 18 U.S.C. § 875(c) prohibits a person from transmitting in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of other.

PROBABLE CAUSE

BACKGROUND

6. On January 11, 2021, Witness 1 accessed her work email account associated with her business, which is located in Albuquerque, New Mexico. Witness 1 found she received four messages, one from a return email address u_lost@dealwithit.com and three from email address mrj8625093@gmail.com. These messages were not related to business matters. These messages were received through a portal on Witness 1's business website, whereby the public may send a message to Witness 1 by filling out a form located on the website. That information is then transmitted through the internet to Witness 1's email account.

a. The first message, received from mrj8625093@gmail.com, contained the following language: "CALLING yourself "CEO and FOUNDER" doesn't fool anyone. It's NOT a real business you have. 1 cunt sitting around an empty office with COSTCO boxes for furniture is NOT a real PR firm. I STILL hope you get BREAST CANCER though!!!!"

b. The second message, received from mrj8625093@gmail.com, contained the following language: "I MASTURBATED TO ONE OF YOUR DAUGHTERS TOO!!! But NOT the one you think!!!! WHEN she's date-raped at her high school prom, it'll be TRUE JUSTICE. You whop cunts are going to pay for your sins." It is believed that the writer intended to use the term "WOP" rather than the term "whop." The term "WOP" is considered to be an ethnic slur.

c. The third message, received from mrj8625093@gmail.com, contained the following language: "fun fact!!!! I masturbated to [Witness 1's] hospice stay AGAIN!!!! Her getting a tittie chopped off..... ORGASMIC! And I say that in a NON-GAY way!"

d. The fourth message, received from u_lost@dealwithit.com, contained the following language: "YOU'RE A FUCKING JOKE. YOU PEOPLE CANT EVEN CUT IT IN A MID-SIZED CITY. FORGET ABOUT NYC OR LA FOR CUNTS LIKE YOU. FOR CHRIST'S SAKE, FORGET ABOUT DENVER!!!! YOU TWO FUCKS WILL ALWAYS BE LITTLE FISH IN A LITTLER POND. A WHOP AND A WASP, WHO CANT CUT IT IN THE BIG LEAGUES."

7. In an interview with the FBI on January 15, 2021, Witness 1 told Investigators she believed the message referencing the rape of her daughter is a threat. Witness 1 also believed the message containing "I masturbated to [Witness 1's] hospice stay AGAIN!!!! Her getting a tittie chopped off..... ORGASMIC!" as a direct threat to her. This raised great concern and fear for her, and her family's safety.

8. On January 15, 2021, Witness 2, the husband of Witness 1, accessed his work email account associated with his employment an Albuquerque television station. Witness 2 found he received two messages from a return email address misterj987654@gmail.com. These messages were received through a portal on the television station's website, whereby the public may send a message to Witness 2 by filling out a form located on the website. That information is then transmitted through the internet to Witness 2's work email account. Witness 2 believed both emails contained direct threats to himself and his wife, Witness 1.

a. The first message, received from misterj987654@gmail.com, contained the following language: "YOU FUCKING CUNT. GO CRAWL INTO A HOLE ON THE OTHER SIDE OF THE COUNTRY IN ANOTHER MINOR MARKET WITH THAT CUNT WIFE OF YOURS AND RETARDED CUNT DAUGHTERS!!!! YOU FAILED. YOU'RE A FUCKING JOKE. NO MORE 'WACKY YOUTUBE VIDEOS.' NO MORE PRETENDING TO BE A BROADCASTER. YOU'RE FINISHED, YOU CUNT. PUNCHING YOU IN YOUR WHOP FACE THOSE CAPPED TEETH WILL BE ORGASMIC. YOU'RE A FUCKING JOKE. 'I STAND WITH PRESIDENT TRUMP.' OF COURSE YOU DO, YOU FRAUD TO LIBERTY. YOU'RE WIFE GETTING BREAST CANCER WILL BE A DAY OF JOY!!!! i masturbated to one of your daughters. the one that ISN'T retarded!!!!" It is believed that the writer intended to use the term "WOP" rather than the term "whop." The term "WOP" is considered to be an ethnic slur.

b. The second message, received from misterj987654@gmail.com, contained the following language: “YOUR WIFE GETTING HER BOOBIE CHOPPED OFF... FUNNY SHIT!!!!!! LOOKING 4WARD 2 HER FUNERAL!!!! your brats crying at her coffin. FUNNY SHIT!!!!!! BOOBIE CANCER'S USUALLY FATAL! tell her to have fun at her next titty-exam!!!”

INVESTIGATIVE STEPS

9. Investigators uncovered STEPHEN YOCHIM [year of birth: 1972] as a possible subject and interviewed Yochim on January 15, 2021. Yochim admitted to sending the messages previously detailed. Yochim sent the messages from his home computer. Yochim stated the messages were a “harmless prank that went too far.” Yochim intended Witness 2 to be the recipient and explained that Witness 2 is a television newscaster that ran for public office. Yochim’s messages to Witness 2 were meant to make a political statement, even though the messages “crossed the line.” Yochim did not intend the messages to be a threat; however, he understood that the recipient would perceive the messages as threatening. The messages were not supposed to be threatening, but rather a “fuck you” to Witness 2. Regarding the comments about Witness 1 and Witness 2’s children, Yochim admitted those messages were “over the line.”

INTERSTATE NEXUS

10. I believe that the element of “in or affecting interstate commerce” is satisfied for violations of 18 U.S.C. § 875(c), for the limited purpose of securing a criminal complaint and arrest warrant. The herein referenced messages were

communicated by internet from Albuquerque, New Mexico. The messages were sent using the portal to send messages located on the internet websites of the business's of Witness 1 and Witness 2. According to Witness 2, the servers for Witness 1's website are located in California, Oklahoma, and Washington D.C., and the servers for Witness 2's website are located in Virginia, Ohio, and Oregon. Therefore, in order for the messages to reach Witness 1 and Witness 2, the messages would have traveled through the servers located outside the State of New Mexico. As such, I believe interstate commerce has been affected in the commission of this offense.

11. The Government can furthermore demonstrate that any electronic devices used by Yochim to communicate with Witness 1 and Witness 2 must have been manufactured outside of New Mexico. From my knowledge and experience, I am unaware of any computer hardware/digital media capable of holding data being manufactured in the state of New Mexico, other than the Intel processors produced at the Intel facility in Rio Rancho, New Mexico. Intel processors contain on-chip cache memory that is volatile and not conducive for transporting stored data, not to be confused with hard drives, flash drives, or other non-volatile digital media that maintains the data after power is removed.

CONCLUSION

12. Based on the information set forth above, I submit there is probable cause to support the charge of 18 U.S.C. § 875(c) – Threatening Communications based on the following:

a. Witness 1 received threatening messages through her work website. The servers hosting this website is located in California, Oklahoma, and Washington D.C. Yochim used a computer to create the messages and then transmitted the messages with the use of the internet.

b. Witness 2 received threatening messages through his work website. The servers hosting this website is located in Virginia, Ohio, and Oregon. Yochim used a computer to create the messages and then transmitted the messages with the use of the internet.

13. Assistant United States Attorney Jack Burkhead has reviewed and approved this application.


14. I swear that this information is true and correct to the best of my knowledge.

Respectfully submitted,



Special Agent Aaron Carp
Federal Bureau of Investigation

SUBSCRIBED and SWORN to
before me by telephone this 18th day
of January, 2021.



Laura Fashing
United States Magistrate Judge